



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,183	06/30/2006	Kenichi Komatsu	M1909.1147	2113

32172 7590 08/14/2008  
DICKSTEIN SHAPIRO LLP  
1177 AVENUE OF THE AMERICAS (6TH AVENUE)  
NEW YORK, NY 10036-2714

EXAMINER
----------

LY, NGHI H

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

08/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,183	<b>Applicant(s)</b> KOMATSU, KENICHI	
	<b>Examiner</b> Nghị H. Ly	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/30/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,5,11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/30/06;05/30/08</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 06/30/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Under NON PATENT LITERATURE DOCUMENTS, the cited No. CA fails to provide a legible copy of each non-patent literature publication or that portion which caused it to be listed.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632A1) in view of Banerjee et al (US 2002/0147693A1).

Regarding claims 1 and 10, Breed teaches a mileage service system (see [0145] and [0469]), comprising a server and a mobile communication terminal used by a user (see fig.2 and fig.3), connected to each other via a network (see fig.2 and fig.3), the

server comprising: a storing unit for storing location information of a fixed property (see [0020], [0115], [0145] and [0280]), an obtaining unit for obtaining location information of the mobile communication terminal (see [0306]), a distance calculating unit for calculating a distance between the fixed property and the mobile communication terminal (see [0158]), based on the location information of the fixed property and the location information of the mobile communication terminal (see [0158]), and the mobile communication terminal comprising: a detecting unit for detecting the location information of the mobile communication terminal (see [0235], [0282] and [0429]).

Breed does not specifically disclose a converting unit for converting the distance calculated by the distance calculating unit to mileage points, and a notifying unit for notifying the location information detected by the detecting unit to the server.

Banerjee teaches a converting unit for converting the distance calculated by the distance calculating unit to mileage points (see [0036]), and a notifying unit for notifying the location information detected by the detecting unit to the server (see [0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Banerjee into the system of Breed in order to calculate user fees associated with and amount of equipment usage (see Banerjee, Abstract).

Regarding claims 4 and 13, Breed teaches the server comprising a fixed property information sending unit for sending location information and related information of the fixed property to the mobile communication terminal (see [0158]), in response to a request from the mobile communication terminal and the mobile communication

terminal comprising a destination information sending unit for sending location information of a desired destination to the server (see [0319] and [0355]), and a displaying unit for displaying location information and related information of the fixed property sent from the fixed property information sending unit (see [0158]).

Regarding claim 6, Breed teaches the location information of the mobile communication terminal is based on location information of a mobile communication base station communicating with the mobile communication terminal (see [0020], [0115], [0145] and [0280]).

Regarding claim 7, Breed teaches the mobile communication base station communicating with the mobile communication terminal is specified by a mobile communication network controlling the mobile communication base station (see [0241], [0242], [0245], [0248], [0249] and [0252]).

Regarding claim 8, Breed teaches the location information is latitude and longitude information and the information which the mobile communication base station possesses (see [0090], [0244] and [0520], also see [0241], [0242], [0245], [0248], [0249] and [0252]).

Regarding claim 9, Breed teaches the server comprising a managing unit for storing and managing the mileage points for each user (see [0020], [0115], [0145] and [0280], also see [0319] and [0355]).

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632A1) in view of Banerjee et al (US 2002/0147693A1) and further in view of Yui et al (US 2002/0174077A1).

Regarding claims 3 and 12, the combination of Breed and Banerjee teaches claims 1 and 10. The combination of Breed and Banerjee does not specifically disclose the server comprising an authentication information receiving unit for receiving authentication information, wherein the issuing unit issues the mileage points after receiving the authentication information, and the mobile communication terminal comprising an authenticating unit for authenticating that the user arrives at a location of the fixed property of a destination and an authentication information sending unit for sending the authentication information by the authenticating unit to the server.

Yui teaches the server comprising an authentication information receiving unit for receiving authentication information, wherein the issuing unit issues the mileage points after receiving the authentication information (see [0020]), and the mobile communication terminal comprising an authenticating unit for authenticating that the user arrives at a location of the fixed property of a destination and an authentication information sending unit for sending the authentication information by the authenticating unit to the server (See [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yui into the system of Breed and Banerjee in order to calculate a movable body fee according to availability (see Yui, Abstract).

***Allowable Subject Matter***

5. Claims 2, 5, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the combination of Breed, Banerjee and Yui teaches claims 1, 3, 10 and 12. The combination of Breed, Banerjee and Yui fails to teach an accepting unit for accepting a reservation of a user of the fixed property, a settling unit for executing settlement of the reservation, and an issuing unit for issuing the mileage points converted by the converting unit after the settlement is completed by the settling unit, and the mobile communication terminal comprising a reservation information sending unit for sending reservation information of the user of the fixed property to the server.

Regarding claim 5, the combination of Breed, Banerjee and Yui teaches claims 1, 3, 10 and 12. The combination of Breed, Banerjee and Yui fails to teach the server comprising: a searching unit for searching a redeemable award, based on mileage points issued by the issuing unit, in response to the request from the mobile communication terminal, a redeemable award information sending unit for sending redeemable award information searched by the searching unit to the mobile communication terminal, and a clearing unit for clearing the mileage points, based on redemption award information sent from the mobile communication terminal, and the mobile communication terminal comprising a decided award information sending unit for

sending desired award information determined based on the redeemable award information sent by an award information sending unit to the server.

Regarding claim 11, the combination of Breed, Banerjee and Yui teaches claims 1, 3, 10 and 12. The combination of Breed, Banerjee and Yui fails to teach the mobile communication terminal comprising sending reservation information of the user of the fixed property to the server by a reservation information sending unit, and the server comprising: accepting a reservation of the user of the fixed property by an accepting unit, executing settlement of the reservation by a settling unit, and issuing the mileage points converted by the converting unit by an issuing unit after the settlement is completed by the settlement unit.

Regarding claim 14, the combination of Breed, Banerjee and Yui teaches claims 1, 3, 10 and 12. The combination of Breed, Banerjee and Yui fails to teach the mobile communication terminal comprising sending desired award information determined based on redeemable award information sent by an award information sending unit to the server, by a determined award information sending unit, and the server comprising: searching the redeemable award, based on the mileage points issued by the issuing unit, in response to the request from the mobile communication terminal, by a searching unit, sending the redeemable award information searched by the searching unit to the mobile communication terminal, by a redeemable award information sending unit, and clearing the mileage points based on the desired award information sent by the decided award information sending unit of the mobile communication terminal, by a clearing unit.



***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/  
Primary Examiner, Art Unit 2617